

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Theodore Sherman Ashby,

Civil 09-1765 JMR/FLN

Petitioner,

v.

O R D E R

Joan Fabian, Commissioner of
Corrections, and John King, Warden
of MCF-Stillwater,

Respondents.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by
United States Magistrate Judge Franklin L. Noel dated July 21, 2009, all the files and
records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus [#1] is DENIED;
2. Petitioner's application for leave to proceed *in forma pauperis* [#2] is DENIED;

and

3. This action is DISMISSED WITH PREJUDICE.

DATED: August 10, 2009.
at Minneapolis, Minnesota

s/James M. Rosenbaum
JUDGE JAMES M. ROSENBAUM
United States District Court